FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 75 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. P.B. Shah with Ms. Smita Mane for petitioner.

Ms. S. Shailendra i/by Mr. P.S. Dani for respondent no.1.

CORAM: B.H. MARLAPALLE,J.

28/06/2007.

P.C.:

. RCS No. 728 of 1994 was decreed by the learned IInd Joint Civil Judge, J.D. Nashik by judgment and order dated 18/8/1998. Being aggrieved by the said decree, defendants filed Civil Appeal No. 383 of 1998 before the District Court at Nashik. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 23/12/2005.

. The petitioner, therefore, has a statutory remedy of filing a Civil

Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as withdrawn with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for. Ad-interim relief granted earlier to continue for two weeks from today.

(B.H. Marlapalle,J.)